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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,880	12/14/2001	Carl R. Chapman	A-207	6048

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON, CT 06484-8000

EXAMINER

MUSSER, BARBARA J

ART UNIT PAPER NUMBER

1733

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary	Application No.		Applicant(s)	
	10/016,880		CHAPMAN, CARL R.	
	Examiner		Art Unit	
	Barbara J. Musser		1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/16/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3-10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3-10, it is unclear what is meant by the drive means being actuated identically. It is unclear if it means that the drive means is actuated at the same time for each article, or that both drive means are driven the same distance, or that each drive means drives the article forward the same distance, i.e. the article is driven forward the same distance between the first and second locations as between the second and third and whether that is relative to the front or back of the envelope. For the purposes of examination, it is assumed to mean that the first drive means drives the envelopes a first predetermined distance which is the same for all envelopes and that the second drive means drives all the envelopes a second predetermined distance which is the same for all envelope sizes, but that they are not the same predetermined distance.

Regarding claim 10, it is unclear what exactly is required by the claim as it is an apparatus claim dependent on a method. It is unclear if the apparatus must be capable of processing an envelope, or if it must have a flapper and an inserter and a moistening

element. For the purposes of examination, it is assumed to required only the apparatus pieces listed and must be capable of processing an envelope.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett(U.S Patent 4,119,482).

Bennett discloses a method of processing a plurality of packages by sensing the front edge of a package, driving it forward, and applying a label, the applicator of which is driven by the sensor which senses the front of the package.(Col. 8, ll. 24-38) The distance between the sensor and the applicator is predetermined and the controls set so that the label is always applied to the package. It is noted that the claims do not require driving the article only the predetermined distance.

5. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman et al.(U.S Patent 4,935,078).

Bergman et al. discloses a method of processing a plurality of envelopes by sensing the trailing edge of a package, driving it forward, decelerating it, and applying a label.(Col. 11, ll. 1-20) The distance between the sensor and the applicator is predetermined and the controls set so that the label is always applied to the package.

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6. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Ricketts et al.(U.S. Patent 5,511,357).

Ricketts et al. discloses an apparatus comprising means for feeding, means for sensing the envelope, means for recording the data point sensed, and means for driving the envelope a predetermined distance from the data point.(Col. 4, ll. 56- Col. 5, ll. 2; Figures 1-4) The CPU is capable of recording the data point sensed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yui(U.S Patent 4,609,421) in view of Bergman et al.

Yui discloses an apparatus for sealing an envelope wherein the envelope is driven forward, a sensor senses the size of the envelope and actuates a stopper, the envelope is stopped so that its crease line is in a specific location, the envelope has adhesive applied to it, it moves backward a specific distance to seal the envelope, and then it moves forward a specific distance.(Abstract; Col. 4, ll. 10-40; Col. 5, ll. 17-21) The stopper(23) stops the envelope at a predetermined distance from the beginning of the equipment so that the crease lines of all the envelopes are in the same location. After creasing it is driven backward until the flap is sealed. The reference does not

explicitly state the envelope is driven backward the same distance with every envelope. However, one in the art reading the reference as a whole would appreciate that the crease line of all the envelopes is in the same location, and therefore the flap is in the same location, and therefore the envelopes would be driven backward the same distance as the same amount of envelope needed pressure to be applied to it to seal the flap.

The reference does not disclose the sensor detecting the length of the envelope, but rather uses it to detect the width and infers the length therefrom. Bergman et al. discloses a method of processing a plurality of envelopes by sensing the trailing edge of a package, driving it forward, decelerating it, and applying a label.(Col. 11, ll. 1-20) It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sensor of Yui to detect the length of the envelope as that would be a direct means of determining the length rather than the indirect means of the reference and since it would allow the machine to seal other size envelopes than the ones it is set up for.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ricketts et al. in view of Marzullo(U.S. Patent 5,415,068).

Ricketts et al. discloses a method of filling an envelope wherein the envelope's trailing edge is detected as the envelope is fed to the device, and the envelope is moved a specific distance so that the trailing edge is located at a first filling location where the envelope is stopped and filled, and then at a second sealing location where the envelope is stopped and sealed.(Col. 3, ll. 50-53, 62- Col. 4, ll. 1; Col. 4, ll. 56-Col.

5, ll. 1; Col. 6, ll. 21-25) The trailing edge for all envelopes is located at the same point in both operations. The reference does not disclose stopping the envelope when the trailing edge is detected. Marzullo discloses an apparatus for filling an envelope wherein when the trailing edge of the envelope is sensed, the envelope is stopped until the device is ready to process the envelope.(Col. 1, ll. 16-22; Col. 3, ll. 58-67) It would have been obvious to one of ordinary skill in the art at the time the invention was made to stop the envelope of Ricketts et al. after the trailing edge is sensed so that a new envelope is not fed into the apparatus before the previous one has moved forward enough so that the device does not jam.(Col. 3, ll. 58-67)

Allowable Subject Matter

10. Claims 4-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or fairly suggest a method of performing operations on an envelope wherein the crease of the envelope is the trailing edge, the trailing edge is sensed at a position x, the envelope is moved to a second location where the crease is located at a specific point y and performing an operation, then moving it to a third location for the trailing edge z and performing an operation wherein the distance the envelope is moved, e.g. from x to y, and from y to z, is independent of the length of the envelope and is the same for all envelope sizes.

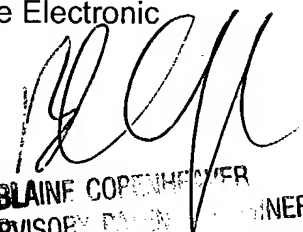
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571)-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJM


BLAINE COPENHEAVER
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 1700